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SUBJECT: RUSSIA'S BROKEN ASYLUM SYSTEM

REF: MOSCOW 11778

Classified By: Political Minister-Counselor Alice G. Wells.
Reasons 1.4 (b and d).

11. (C) SUMMARY: Asylum seekers in Russia face legal and bureaucratic obstacles in obtaining protection from the GOR, as well as a growing backlash against migrants in general. For many, the only workable solution is resettlement to a third country, as the GOR has yet to devote sufficient attention and resources to its asylum system. While UNHCR has improved its relationship with the Federal Migration Service and has had some success in working through the court system, the recent deportations of Georgians and detentions of several Uzbeks have put many asylum seekers on edge. Although there are some signs the GOR wants to improve its asylum system, these are overshadowed by an increasingly xenophobic climate, in which the threat of violence adds to the difficulties asylum seekers face in Russia. We have conveyed our readiness to assist FMS in improving its system, and we continue to look for other avenues to engage with the GOR on this issue. END SUMMARY.

SYSTEMIC FLAWS AND A BAD ATTITUDE

12. (C) During the recent visit of PRM/ECA Deputy Director Nancy Iris and in other meetings over the past several weeks, our contacts have increasingly called attention to the plight of asylum seekers in Russia. Primarily, Russia's asylum system is predisposed to reject asylum seekers. This tendency is attributed to systemic flaws, but also to a rise in anti-migrant political rhetoric and intolerance among certain elements of the population.

13. (C) UNHCR Senior Protection Officer Gang Li told Iris that UNHCR has seen a steady decline in the number of asylum seekers it has registered. The number is now about 3,000, down from more than 5,000 two years ago, but few if any will be accepted into Russia. Li said Russia's asylum system has problems both in the law and its implementation. Legally, it places undue burdens on asylum seekers to file requests with the Federal Migration Service (FMS), while giving FMS officers wide latitude to refuse an asylum request. According to UNHCR data, FMS has granted refugee status to 10 people since January 2005. Those who manage to file a request with FMS are given interview dates years later in Moscow, or several months later in other parts of the country. Those requesting asylum in Moscow now, are scheduled for interview in 2009, for example.

14. (C) In the interim, FMS provides no legal protection for asylum seekers. Those able to submit their requests to FMS are given an appointment slip but nothing else. Lacking any document giving them legal status in Russia, they cannot legally work or obtain residency permits that allow them access to schools, medical care and other social services.

They are often stopped by police, usually with a demand for a bribe under threat of arrest or potential deportation. Li, a Chinese national who is occasionally stopped by police, said UNHCR has begun distributing an identification card to refugees it registers, and although it is not officially recognized by the Russian government, it is often enough to satisfy police. Police harassment of asylum seekers in Moscow is acute enough, however, that UNHCR also employs a full-time police liaison.

15. (C) Sergey Yagodin, an advisor to Human Rights Ombudsman Vladimir Lukin and former head of FMS' legal department, said during his meeting with Iris that the problems of the asylum system were as much to do with the mentality at FMS as gaps in the law. Yagodin said that FMS' bureaucracy left asylum seekers with little option but to enter and stay in Russia illegally.

16. (C) FMS has become more focused on law enforcement since being merged with the Ministry of Internal Affairs (MVD) in 2003 and resurrected as a quasi-independent agency in 2004. The prevailing attitude is that asylum seekers and refugees are illegal migrants and potential criminals, Yagodin said. While FMS claims there are a small number of refugees and asylum seekers in Russia, its statistics only include those it has officially recognized. The actual number is thought to be much higher. Most asylum seekers and refugees never apply to FMS because of its slow processing and low acceptance rates, he said. FMS statistics showed that there were 418 officially registered refugees in Russia and about 500 officially registered asylum seekers. At the same time, FMS claimed there were 15 million illegal immigrants in Russia. Yagodin estimated the number of illegal immigrants to be about half FMS' estimate but did not provide a

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methodology for his calculation.

THE POLITICAL ATMOSPHERE

17. (C) As illegal immigration has become a more prominent political issue, there is little distinction between asylum seekers and economic migrants. More frequent attacks on dark-skinned "foreigners" by skinheads and the lack of response by law enforcement agencies have added to the vulnerability many asylum seekers say they feel.

18. (C) Attendees at a roundtable organized by the Russian Red Cross in St. Petersburg said it was almost impossible for asylum seekers to legalize their status. For many asylum seekers, resettlement through UNHCR was the only long-term, durable solution. One Afghan woman told us she had been in Russia for 21 years and still was without status. (NOTE: Many Afghans were brought to Russia during the Soviet occupation in the 1980s to be educated as a new nomenklatura for the Soviet-backed government there. Sometimes known as "Lenin's orphans," they could not return to Afghanistan because of their ties to the Soviets, yet they have no status in Russia. END NOTE.)

19. (C) Roundtable participants also expected a broader crackdown in the aftermath of the arrests and deportations of Georgians. Separately, UNHCR told us recently that police conducting document checks in a Moscow market where there had been a large number of Georgian vendors told Afghans and others recognized as refugees by UNHCR that they would no longer be permitted to work there. Another group of 200 Afghans in Moscow were recently declared illegal migrants by FMS and forced out of work. They in turn filed asylum claims to avoid deportation.

THERE IS SOME HOPE

10. (C) UNHCR's Li and other contacts have told us that

beyond the structural problems with FMS, FMS officers, judges and lawyers lack sufficient understanding of international and national law pertaining to asylum seekers and refugees. Compounding the problem was FMS' lack of adequate staff and a high turnover rate.

¶11. (C) Li said that UNHCR believed that Russia's asylum system could be improved, and that Russian officials want to improve it, but that progress would be slow. FMS had begun to implement some changes UNHCR recommended, and it had allowed UNHCR to comment on draft amendments to the Law on Refugees which may be introduced in the Duma during its next session. In light of the recent wave of deportations, including one in which an Uzbek was deported despite having an appeal before the courts, UNHCR had pressed to include language requiring immediate suspension of any deportation proceedings as long as an asylum request was in process.

¶12. (C) Li was complimentary about the independence of Russian courts, noting that UNHCR had been successful in working with local NGOs to sue FMS and have its decisions overturned. These decisions, along with international interest in high profile cases, strengthened the rule of law and suggested that progress was not impossible, but it would require a sustained effort, starting with a commitment from senior levels of the GOR, he said.

COMMENT

¶13. (C) Russia's asylum system is plagued by problems, and the GOR's treatment of refugees and asylum seekers is adversarial. Together, these factors combine to deprive hundreds of people adequate protection and access to basic services, leaving UNHCR and resettlement to a third country as the best available alternative for many. Although there are some slight signs of improvement, many positive trends are mitigated by an increasingly xenophobic climate, in which the threat of violence adds to the difficulties asylum seekers already face in Russia. We have conveyed our readiness to assist FMS in improving its system, along with an offer from the Department of Homeland Security to host FMS Director Konstantin Romodanovskiy or his staff in Washington (reftel). We continue to look for other avenues to engage the GOR on this issue.

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